

AUSA Jennie Basile

# UNITED STATES DISTRICT COURT

United States Courts  
Southern District of Texas  
FILED

for the

Southern District of Texas

OCT 19 2015

David J. Bradley, Clerk of Court

In the Matter of the Search of  
(Briefly describe the property to be searched  
or identify the person by name and address)

The residence located at 7827 Mayport  
Crest Lane, Richmond, Texas 77407

Case No.

H15-1448M

## APPLICATION FOR A SEARCH WARRANT

I, a federal law enforcement officer or an attorney for the government, request a search warrant and state under penalty of perjury that I have reason to believe that on the following person or property (identify the person or describe the property to be searched and give its location):  
See Attachment "A"

located in the Southern District of Texas, there is now concealed (identify the person or describe the property to be seized):  
See Attachments "B" and "C"

The basis for the search under Fed. R. Crim. P. 41(c) is (check one or more):

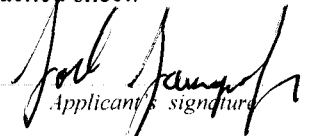
- ☒ evidence of a crime;
- ☒ contraband, fruits of crime, or other items illegally possessed;
- ☐ property designed for use, intended for use, or used in committing a crime;
- ☐ a person to be arrested or a person who is unlawfully restrained.

The search is related to a violation of:

Code Section	Offense Description
Title 18, USC, Section 922(g)(1)	Felon in possession of a firearm

The application is based on these facts:  
See attached affidavit Attachment "A"

- ☒ Continued on the attached sheet.
- ☐ Delayed notice of \_\_\_\_\_ days (give exact ending date if more than 30 days: \_\_\_\_\_) is requested under 18 U.S.C. § 3103a, the basis of which is set forth on the attached sheet.



Joel Jauregui Jr., ATF Special Agent  
Printed name and title

Sworn to before me and signed in my presence.

Date: October 19, 2015



Judge's signature

City and state: Houston, Texas

Stephen Smith, U.S. Magistrate Judge  
Printed name and title

ATTACHMENT A  
PROBABLE CAUSE AFFIDAVIT

I, Joel Jauregui Jr., Affiant, being first duly sworn, do hereby depose and state the following:

1. I am a Special Agent (S/A) with the United States Department of Justice, Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), and have been so employed since May 9, 1999. I am currently assigned to the Houston Group IX Field Office. I am a graduate of the Criminal Investigator Training Program and the ATF National Academy offered at the Federal Law Enforcement Training Center at Glynco, Georgia. As a result of my training and experience as an ATF Special Agent, I am familiar with Federal firearm laws enacted in the Gun Control Act of 1968.
2. The information enumerated in the paragraphs below, furnished in support of this affidavit, is derived from my own observations, training and experience and upon statements made by witnesses and other law enforcement officers. This affidavit is intended to show merely that there is sufficient probable cause for the requested search warrant and does not set forth all of my knowledge about this matter.
3. This affidavit is made in support of a search warrant for Michael K. MCLARTY's residence at 7827 Mayport Crest Lane, Richmond, Texas 77407.
4. On September 18, 2015, this affiant and other investigators interviewed ATF CI 10598 (*hereafter referred to as CI 10598*). CI 10598 stated he has known Michael K. MCLARTY for approximately three years and has visited MCLARTY at his residence located at 7827 Mayport Crest Lane, Richmond, Texas approximately 18-20 times in the last few months and has observed MCLARTY in possession of firearms at his residence since his first visit there.

5. CI 10598 stated he met Michael K. MCLARTY during the WET (Wind Energy and Transmission Line) project in Big Spring, Texas about three years ago after he was recruited from Idaho where he worked as a safety director. CI 10598 also met Jose LEZA, W/M, DOB: 01/02/1976, during this time. CI 10598 stated MCLARTY told him LEZA purchased one of his firearms and they have gone together to an Academy store in the Houston area to buy guns. CI 10598 believes LEZA purchased a .308-caliber rifle for MCLARTY.

6. CI 10598 stated that while at the WET project in Big Spring, Texas, the employees all pitched in and bought MCLARTY a commemorative H&K Tactical .45-caliber pistol for approximately \$700.00.

7. CI 10598 stated Michael K. MCLARTY also invited him to go shooting several times on his (MCLARTY's) property when they were in Big Spring and MCLARTY possessed a .45-caliber pistol, 9mm-caliber pistol, .308-caliber rifle and .223-caliber rifle during this time.

8. Michael K. MCLARTY kept in contact with CI 10598 after the completion of the WET project and told CI 10598 he was going to make him a safety director for a new company later identified as Forbes Bros Inc. located at 16430 Park Ten Place, Suite #650, Houston, Texas 77084. CI 10598 was hired as the Safety Director for Forbes Bros. on May 21, 2015.

9. CI 10598 stated that around June 9, 2015, Michael K. MCLARTY, the Vice President for Transmission Lines at Forbes Bros., asked him for \$3,000.00. CI 10598 ignored the request and believed MCLARTY asked him for money because he had just sold his F150 Raptor and MCLARTY believed he had a lot of money. MCLARTY asked CI 10598 for the \$3,000.00 several more times.

10. CI 10598 stated Michael K. MCLARTY has two gun safes at his residence that contain guns. One of the safes is in the garage and the other is in MCLARTY'S bedroom. CI 10598 stated that he has personally observed the safe in the garage while it was open and it contained about five long guns including a 12-gauge shotgun and several handguns. CI 10598 stated MCLARTY has thousands of rounds of armor piercing, high velocity and flechette ammunition at his residence including about two thousand of these rounds in the safe located in the garage.

11. CI 10598 stated that on or about June 20, 2015, he and Michael K. MCLARTY went to a private shooting range located at a residence at 2123 County Road 172, Alvin, Texas 77511, and shot several firearms including an FN45-caliber pistol, a Glock pistol, a .223-caliber rifle and a .308-caliber rifle. CI 10598 stated MCLARTY also had a 12-gauge shotgun at the range. CI 10598 stated that Kevin Smith and his girlfriend Veronica Gutierrez and the owner of the property (later identified as Darrell M. CHURCH, W/M, DOB: 07/02/1959) were also at the aforementioned shooting range on this date.

12. CI 10598 stated that he and Michael K. MCLARTY went to a local Academy store to buy ammunition prior to arriving at the shooting range. He stated MCLARTY purchased .223 and .308 caliber ammunition and he (CI 10598) purchased .45-caliber ammunition. CI 10598 stated the next weekend he was in Florida and when he returned, MCLARTY once again confronted him about the \$3,000.00. MCLARTY subsequently asked CI 10598 to come to his house and sent CI 10598 a text message stating, "Bring over my FN45, my problem is not your problem asshole."

13. On July 20, 2015, CI 10598 withdrew \$3,000.00 from his bank and went to Michael K. MCLARTY'S residence located at 7827 Mayport Crest Ln., Richmond, Texas. When CI 10598 arrived at the residence, MCLARTY instead offered to sell him the aforementioned FN45 pistol and a Windham .308-caliber rifle with a scope for \$3,000.00.

CI 10598 believed MCLARTY was extorting money from him. That is, CI 10598 believed MCLARTY was trying to get money from him by force or other unfair means.

14. CI 10598 decided to give Michael K. MCLARTY the \$3,000.00 instead of buying the guns because he believed he would jeopardize his job at Forbes Bros. if he did not. CI 10598 presented Michael K. MCLARTY with an envelope containing \$3,000.00 in cash but MCLARTY only took \$1,200.00.

15. CI 10598 stated that on September 18, 2015, MCLARTY texted him photographs of several firearms MCLARTY possesses at his residence and he believes they are recent photographs. MCLARTY also recently mentioned armor piercing ammunition and a camouflage Black Rain Ordnance .308-caliber rifle he purchased.

16. CI 10598 stated that around this time, he (CI 10598) asked a friend to run a background check on MCLARTY and was notified that MCLARTY had served time in prison.

17. On September 22, 2015, this affiant received copies of ATF Form 4473s (*Firearms Transaction Record*) indicating Jose LEZA purchased eight (8) firearms at Houston area Academy stores between 04/23/2015 and 05/14/2015 including the following firearms:

- Windham Weaponry model WW-308, .308-caliber rifle bearing serial number RD004037
- Glock model 19, 9mm-caliber pistol bearing serial number WWG678
- Glock model 19 Gen 4, 9mm-caliber pistol bearing serial number WNW743
- Sig Sauer model SP2022, 9mm-caliber pistol bearing serial number 24B190078

18. On September 25, 2015, this affiant conducted a follow-up interview with CI 10598 and presented CI 10598 with several photographs that MCLARTY texted CI 10598 on 09/18/2015. These photographs depict firearms that CI 10598 observed at MCLARTY'S

residence including what appears to be three Glock pistols and .308-caliber rifle that resemble the aforementioned firearms purchased by Jose LEZA. CI 10598 also identified the backgrounds in these photos as MCLARTY'S residence located at 7827 Mayport Crest Ln., Richmond, Texas.

19. CI 10598 believes Michael K. MCLARTY also buys guns online and bought a desert colored 10mm-caliber pistol for \$500.00 a few weeks ago online from some guy in Houston.

20. A criminal history check of Michael K. MCLARTY was conducted and a review of computerized criminal history records indicated that Michael K. MCLARTY has the following ten (10) felony convictions:

12/27/1978 Robbery Cause No. F78-8869-IP , 203<sup>rd</sup> Judicial District Court of Dallas County, Texas.

09/03/1982 Theft Property Over \$200, Cause No. F81-6832-RM, 194<sup>th</sup> Judicial (Probation revocation) District Court of Dallas County, Texas.

09/03/1982 Theft Property Over \$200, Cause No. F82-79671-PM, 194<sup>th</sup> Judicial District Court of Dallas County, Texas.

09/15/1982 Unauthorized Use of a Vehicle, Cause No. F82-89182-M, 194<sup>th</sup> Judicial District Court of Dallas County, Texas.

04/08/1985 Theft Over \$750, Cause No. F85-77753-L, Criminal District Court #5 of Dallas County, Texas.

04/29/1985 Theft Over \$750, Cause No. 0253504W, Criminal District Court #1 of Tarrant County, Texas.

04/29/1985 Theft Over \$750, Cause No. 0244481D, Criminal District Court #1 of Tarrant County, Texas.

06/09/1987 Knowingly Received a Firearm, Docket No. W-86-CR-7, Western District of Texas.

10/29/1991 Bank Robbery (Title 18 USC 2311-A), Eastern District of Texas.

10/29/1991 Use of a Firearm in Connection with a crime of violence, Eastern Crime of Violence (Title 18 USC 924c), District of Texas.

21. CI 10598 stated Katherine A. MCLARTY carries a small Beretta or Sig Sauer pistol in her purse and the MCLARTYS usually have a handgun in the hidden compartments (factory manufactured) behind the dashboards of both of the 2015 Chevy Tahoes they drive. A criminal history check of Katherine Alice MCLARTY a/k/a Alice Kathy QUINTANA was conducted and a review of computerized criminal history records indicated that she has a 02/28/1992 federal felony conviction for Embezzlement - Bank in the District of New Mexico and 06/21/2001 federal felony conviction for Bank Fraud (18 USC 1344) in the Eastern District of Texas.

22. CI 10598 stated Michael K. MCLARTY is the owner of a white in color 2015 Chevrolet Tahoe bearing Texas license plate DML4006. Your affiant initiated a computer check of the Texas Vehicle Registration for license plate DML4006. The check listed the vehicle information as a 2015 Chevrolet Tahoe and the registered owner is Michael K. MCLARTY, 7827 Mayport Crest Ln., Richmond, Texas 77407.

23. CI 10598 also stated that MCLARTY advised him on October 5, 2015 that he (MCLARTY) and "Mitch" went to a local shooting range to shoot some of his long guns during the October 3-4, 2015 weekend. CI 10598 provided SA Jauregui with a photo of a key tag believed to be MCLARTY'S membership card (#0000093367) for American Shooting Centers, 16500 Westheimer Parkway, Houston, Texas 77082.

24. On October 4, 2015, a pole camera installed near Michael K. MCLARTY'S residence enabled your affiant to observe MCLARTY and another unidentified white male transfer what appeared to be two long guns in soft rifle bags from MCLARTY'S residence into MCLARTY'S black Chevrolet Tahoe (registered to MCLARTY'S employer, Forbes Bros. Inc., Houston, Texas). At approximately



12:08 PM on this same date, your affiant observed both MCLARTY and the aforementioned unidentified white male each unload what appeared to be a long gun in a soft rifle bag from MCLARTY'S black SUV and carry them into MCLARTY'S residence.

25. On October 11, 2015, at approximately 3:12 PM, your affiant also observed (via pole camera) Michael K. MCLARTY carrying what appeared to be two long guns in soft rifle bags into his residence.

26. CI 10598 stated the residence located at 7827 Mayport Crest Lane, Richmond, Texas is owned by Michael K. MCLARTY. On September 22, 2015, a records check was conducted on the residence of Michael K. MCLARTY with the Fort Bend County Tax Assessor's office and the results confirmed that Michael and Katherine MCLARTY (wife) are the legal owners of the property located at 7827 Mayport Crest Lane, Richmond, Texas 77407. The United States Postal Inspector's office confirmed that Michael K. MCLARTY receives mail at this address. A LexisNexis Person Report also indicated Michael K. MCLARTY'S address on file regarding his Texas driver's license is 7827 Mayport Crest Lane, Richmond, Texas 77407. A pole camera installed near the MCLARTY'S residence has also confirmed that he lives at this address.

27. Based on the information CI 10598 provided and the facts I was able to corroborate, I have reason to believe, and do believe, CI 10598 has provided true and accurate information. A criminal history check of CI 10598 does not show any arrests or convictions for perjury and CI 10598 stated he has not been convicted of such a crime.

28. On October 13, 2015, ATF Special Agent Wesley Williamson acting in an undercover capacity purchased a Glock model 20 Gen 4, 10mm-caliber pistol



bearing serial number WFH144, a Black Rain Ordnance, model Fallout 10, .308-caliber rifle bearing serial number SL00455 and assorted ammunition from Michael K. MCLARTY as his residence located at 7827 Mayport Crest Lane, Richmond, Texas 77407. MCLARTY stated his wife (also a convicted felon) carries a Glock Generation 2 and has done so since it was new to the gun market. Special Agent Williamson also observed MCLARTY with a Glock 9mm-caliber pistol that MCLARTY stored in a bedroom of the residence after he displayed it to Special Agent Williamson. MCLARTY also told Special Agent Williamson that he has full auto sears (machine guns), suppressors (silencers) and a Lapua .338-caliber rifle with a scope to sell or trade.


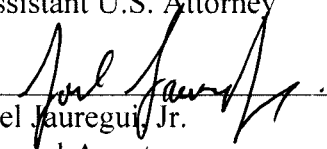
29. Your affiant has received specialized training in determining the interstate movement of firearms. Your affiant determined the Glock model 20 Gen 4, 10mm-caliber pistol bearing serial number WFH144 and the Black Rain Ordnance, model Fallout 10, .308-caliber rifle bearing serial number SL004555 were not manufactured in the State of Texas. Your affiant concluded that these firearms traveled in and affected interstate commerce.

30. On October 14, 2015, your affiant caused a search to be made of the National Firearms Registration and Transfer Record, Bureau of Alcohol, Tobacco, Firearms and Explosives, Martinsburg, West Virginia, and was advised by the NFA (National Firearms Act) Branch that there are no firearms registered to any person named Michael K. MCLARTY.

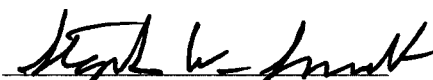
31. Based on my sixteen (16) years of Federal law enforcement, I have participated in or have knowledge of the execution of numerous search warrants for firearm violations. Based on this experience, I know that individuals who own firearms typically keep such firearms in their residences, workshops, outbuildings and sheds that the owners of the firearms consider to be readily accessible and secure and also

store firearms within their vehicles for hunting purposes, self-defense and criminal activities, for extended periods of time, such as those described in attachment A. I know that persons who possess firearms usually possess other items related to firearms, such as: gun cases, ammunition, ammunition magazines, holsters, spare parts, equipment, photographs of firearms and receipts for the purchase of these items.

32. Based on the foregoing, your affiant believes that probable cause exists for the issuance of a Federal search warrant for the premises of Michael K. MCLARTY at 7827 Mayport Crest Lane, Richmond, Texas, Fort Bend County, Texas, for firearms and ammunition as defined in Title 18, United States Code, Chapter 44, Sections 921 (a)(3) and 921 (a)(17), and any parts, implements or documents relating to the illegal possession of such items, which is evidence of the commission of a criminal offense in violation of Title 18, United States Code, Section 922 (g)(1). This violation occurred within Richmond, Fort Bend County, in the Southern Judicial District of Texas.

Reviewed by   
Jennie Basile  
Assistant U.S. Attorney  
  
Joel Lauregui, Jr.  
Special Agent  
Bureau of Alcohol, Tobacco,  
Firearms and Explosives

Sworn to and subscribed before me this 19<sup>th</sup> day of October 2015, and I find that probable cause exists.

  
Stephen Smith  
United States Magistrate Judge

***ATTACHMENT B***

***DESCRIPTIONS OF THINGS TO BE SEARCHED***

***The Premises***

The Premises of Michael K. MCLARTY, 7827 Mayport Crest Ln., Richmond, Texas 77407 including all outbuildings and appurtenances thereto in the City of Richmond in the County of Fort Bend in the Southern District of Texas.

***The Premises' Physical Description***

The Premises is a two-story single family dwelling that faces due West, off white in color stone with brown multi-color brick trim. There is an entrance door located on the west side of the residence next to the garage door, which is apparently the front door of the home. "7827" is in black numbers in the front of the house on the right side (south side) of the garage door.

The location of the suspected place is found by proceeding 1 mile south on S. Mason Rd. in said city from its intersection from the Fort Bend Tollway (FM 1093), then approximately 200 feet west on Kings Trail Ln., then approximately 200 feet north on Mayport Crest Ln., the residence is located on the east side off Mayport Crest Ln. across the street from the Mayport Crest Ln. and Sommerset Branch Ct. T intersection.

***A Vehicle***

A 2015 Chevrolet Tahoe (white in color), Texas License Plate DML4006 parked in the driveway. This vehicle is registered to Michael K. MCLARTY, 7827 Mayport Crest Ln., Richmond, Texas 77407.

A 2015 Chevrolet Tahoe (black in color), Texas License Plate FMG9826 parked in the driveway. This vehicle is registered to Forbes Bros. Inc., 16430 Park Ten Place, Suite #550, Houston, Texas 77084.

Located on the premises to be searched and any other vehicles under the dominion or control of Michael K. MCLARTY or his co-conspirators or those who have a significant relationship to the premises - which are located on the premises at the time this search warrant is executed.

## ***ATTACHMENT C***

### ***DESCRIPTION OF EVIDENCE TO BE SEARCHED FOR AND SEIZED***

#### ***FIREARM AND RELATED ITEMS:***

The following firearm(s) and items relating to such firearm(s) shall be seized:

1. One or more firearms of unknown caliber and make;
2. One or more machineguns of unknown caliber and make;
3. Parts, including conversion kits relating to such machine gun; and,
4. Ammunition for above-mentioned firearm including ammunition magazines or clips, and ammunition storage items;
5. Items pertaining to the possession of firearms, including gun cases, ammunition, ammunition magazines, holsters, spare parts for firearms, firearms cleaning equipment, photographs of firearms or of persons in possession of firearms, and receipts for the purchase and/or repair of all these items;
6. All firearms that are not fully automatic machineguns, but which are evidence demonstrating a knowledge of firearms characteristics.

#### ***RECORDS/DOCUMENTS***

The following books, records, documents or photographs, whether contained on paper in handwritten, typed, photocopied or printed form or stored on computer printouts, magnetic tape, cassette, disk, diskette, photo-optical devices, photographic film or any other medium:

1. ***Indicia of Control of the Premises***

Records that establish the persons who have control, possession, custody or dominion over the property and vehicles searched and from which evidence is seized, such as: personal mail, checkbooks, personal identification, notes, other correspondence, utility bills, rent receipts, payment receipts, financial documents, keys, photographs (developed or undeveloped), leases, mortgage bills, and vehicle registration information or ownership warranties, receipts for vehicle parts and repairs and telephone answering machine introductions and fingerprints.

2. ***Indicia of Possession and Control of Firearms***

Records and documents demonstrating ownership or control of one or more machine guns and other firearms.